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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,396	07/03/2003	Karsten Andersen	032287-102	4469
7590	10/04/2005			
Robert E. Krebs Thelen Reid & Priest LLP P.O. Box 640640 San Jose, CA 95164			EXAMINER GUTMAN, HILARY L	
			ART UNIT 3612	PAPER NUMBER

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/613,396

Applicant(s)

ANDERSEN ET AL.

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-31 is/are pending in the application.
- 4a) Of the above claim(s) 8, 20 and 25 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-14, 16-18 and 28-30 is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 10, 15, 19, 21-24, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the elongated ports which permit connection in flanges of different sizes of claim 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Claim Objections*

2. Claims 20 and 25 are objected to because of the following informalities: claim 20 depends off of itself and claim 25 depends off of claim 20. For the purposes of examination these claims will not be treated on the merits. Appropriate correction is required.

3. Claims 27 and 31 are objected to because of the following informalities:

In claim 27, on line 2, "mounting a system" should be "mounting system".

In claim 31, on line 3, "container" (both occurrences) should be "containers".

Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-6 15, 19, 22-24, and 26-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the deck" in lines 6, 9, and 11 and the limitation "said pedestal means" in line 15. There is insufficient antecedent basis for these limitations in the claim.

Claim 15 recites the limitation "bolt holes" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 recites the limitation "a flat surface" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "two pedestals" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 26 recites the limitation "said pedestals" in lines 4 and 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 27 recites the limitations "a first type of wind turbine tower section" in lines 2-3 and "a second type of wind turbine tower section" in line 5. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 9-10 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by French.

For claim 9, French (4,745,952) discloses a system for transporting tank containers, the system comprising: a) a vehicle car having a first end and a second end; b) first deck slot pedestal means affixed to the floor of the first end of said railroad car; c) second deck slot pedestal means affixed to the floor said railroad car and spaced apart from said first deck slot pedestal means; d) end stop means (Figure 2) affixed to the floor of the first end of said vehicle car; e) a first bracket connected to said first deck slot pedestal means, said first bracket being

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constrained from lateral motion by said end stop means; and, f) a second bracket connected to said second deck slot pedestal means.

With regard to claim 10, said first deck slot pedestal means is connected to said first bracket by twist lock connectors which constitute the end stop means. (See marked-up copy of Figures 4, 6, and 8, hereto attached).

***Allowable Subject Matter***

8. Claims 11-14, 16-18, and 28-30 are allowed.
9. Claim 31 is objected to as containing a minor informality, but would be allowable if rewritten to overcome the informality.
10. Claims 1-6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
11. Claims 15, 19, 24, and 26-27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

12. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. However, some issues warrant a response set forth below.

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With regard to the restriction requirement, the applicant requests the examiner to “identify Species A and B to claims, not to figures.” The examiner is not obligated nor required to set forth the restriction with regard to the claims. The examiner directs the applicant’s attention to the MPEP and specifically to MPEP section 809.02(a) which states that the examiner clearly identify each disclosed species. The species are “preferably identified as the species of figures 1, 2, and 3 (see section (B)). Furthermore, to be complete, the applicant must reply to the restriction and include “a listing of all claims readable thereon, including any claims subsequently added”.

Applicant assumes incorrectly that the Examiner has withdrawn the restriction requirement concerning Species C and D and further incorrectly assumes that the examiner has withdrawn her restriction requirements concerning Species A and B. On the contrary, the examiner found the restriction requirement deemed “proper” and therefore made FINAL in the last action (mailed 5/4/05).

If the applicant has additional questions or concerns regarding the restriction requirement, the examiner requests applicant direct his attention to MPEP chapter 800.

With regard to claims 1-6, the applicant's arguments have been considered but are moot.

With regard to claim 9-10, the examiner has included a marked-up copy of French which more clearly shows all of the features of the claimed invention as broadly recited and interpreted.

*Conclusion*

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

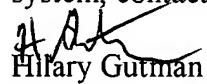
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Hilary Gutman

September 28, 2005

